

REMARKS

Applicants have received and reviewed the Office Action dated July 21, 2010. Claims 1-21 were previously under consideration. A species election to a specific glycol ether had been requested and the Examiner found no prior art. Applicants thank the Examiner for indication of allowable matter. Applicants note that the Examiner found that claims 1-21 are generic. Therefore Applicants submit that the species relate to a single inventive concept. Accordingly, Applicants respectfully request reconsideration and withdrawal of the species requirement. Applicants note that upon allowance of a generic claim Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim. Applicants hereby request that all claims be considered. Applicants thank the Examiner for the withdrawal of certain rejections and for speaking with Applicant's representative regarding glycol ethers.

Applicants respectfully request reconsideration and withdrawal of the rejections to the pending claims.

Claim Amendments

Applicants have amended Claims 1, 5, 8, 10 and 16 to recite a single aqueous phase. Support for this amendment can be found throughout the application.

Claim Rejections 35 USC § 102

Claims 1-3 and 8-9 stand rejected as allegedly being anticipated by Lang et al. (US Patent No: 5,304,310). Applicants respectfully disagree with this assertion. However, in an effort to expedite this matter in discussions with the Examiner, the Applicants have removed a water miscible alcohol from the claim set thus mooting this rejection.

However, Applicants would like to note that under 35 U.S.C. § 102, a patent must disclose each and every element of the claims of the as filed application. Lang et al. fails to disclose each and every element of the claims of the as filed application. Lang et al. fails to disclose intermixing a sufficient quantity of a water miscible alcohol or a glycol ether with an aqueous fermentation broth at a temperature to form a single aqueous phase comprising a protein, the water miscible alcohol or the glycol ether, and water is formed; separating such

single aqueous phase comprising the protein, the water miscible alcohol or the glycol ether, and water formed in the first step from solid biomass impurities; and, optionally, recovering the protein from the single aqueous phase obtained in the second step by any conventional protein recovery method. Applicants claims are different in that Applicants transfer the desired solute from within the cell (without pretreatment) into the surrounding aqueous phase outside of the cell (and not into a separate organic solvent phase). The aqueous phase will contain some dissolved glycol ether, but it remains the phase containing most of the system's water (thus it is an aqueous phase). The presence of a second glycol ether-rich phase is not necessary. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections to the claims.

CONCLUSION

The points and concerns raised in the Communication have been addressed in full herein, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested. Should there be any remaining concerns, the Examiner is encouraged to contact the undersigned attorney by telephone to expedite the prosecution of this application.

No fee is believed due. However, the Commissioner is hereby authorized to change any deficiency or redirect any overpayment to Deposit Account No: 04-1512, under Order No. 62644A US.

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Respectfully submitted,

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